



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 4, 1998

Ms. Eileen C. Begle
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002

OR98-0594

Dear Ms. Begle:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113122.

The Office of the Medical Examiner of Harris County received a request for the autopsy reports of two individuals. You claim that the requested records are records of the judiciary and are not subject to the provisions of chapter 552. We have considered your arguments and reviewed the submitted information.

You explain that the Medical Examiner performed the autopsies under a fee for services arrangement on behalf of a justice of the peace conducting an inquest. You argue that since an inquest conducted by a justice of the peace is a court proceeding, the autopsies are judicial records exempt from the Open Records Act. We disagree. An autopsy performed either by or for a justice of the peace in the course of an inquest or by a medical examiner in determining the cause of death is a public record and is subject to disclosure. Open Records Decision No. 21 (1974). Therefore, the Medical Examiner must release the autopsy reports to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/glg

Ref.: ID# 113112

Enclosures: Submitted documents

cc: Ms. Janet Parker
Conroe Courier
P.O. Box 609
Conroe, Texas 77305-0609
(w/o enclosures)